IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2825 of 2005

Between:

Ganji Abbaiaha S/o. Peddi Subbarayadyu
R/o. Kotta Madhavavaram, Vonti Mitta Mandal, Cuddapah.

... PETITIONER

AND

1 The State aof Andhra Pradesh, Rep. by Principal Secretary,
Revenue , Secretarial Building, Hyderabad.
2 The District Collector, Cuddapah District.
3 The Mandal Revenue Officer, Kotta Madhavavaram,
Vonti Mitta Mandal, Cuddapah.
4 The Revenue Divisional Officer, Rajampet, Cuddappah.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate writ, Order or Direction, preferably writ in the nature of Mandamus, declaring the action of the respondents in issuing proceedings No. E4/4280/94 dt. 22/12/04 as illegal, arbitrary and violative of Article 14 of Constitution of India and opposed to the Principle of Natural Justice and set aside the same directing the respondents to allot the said land in survey No's 101/A3, 101/A4, 101/A5, 101/A6 extent 3.98 acres situated in Kotta Madhavavaram Vontimitta Mandal Cuddappah for Z.P.H. School for the purposes of play ground by allowing the present Writ Petition. It is further prayed that the Hon'ble Court may be pleased to suspend the operation of the proceedings No. E4/4280/94 dt. 22/12/04 pending the writ petition.

Counsel for the Petitioner: SMT.W.V.S.RAJESWARI

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

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ORDER:

This writ petition is filed to declare the action of the second respondent-District Collector in issuing the proceedings dated
22-12-2004 as arbitrary and illegal.

The petitioner claims to be the Sarpanch and also the Chairman of the Vidya Committees of various schools in the District, including Zillaparishad High School of Kothamadhavavaram, Vontimitta Mandal, Kadapa District. It is stated that the Zilla Parishad High School is situated in one acre out of total extent of Ac.4.98 in Sy.No.101/A3 to 101/A6 and that the vacant land around the school to an extent of about Ac.3.98, is being used as play ground. It is stated that the District Collector, Kadapa, under the proceedings dated 31-08-1998, issued orders to submit alienation proposals to the extent of one acre for Zilla Parishad High School and remaining land of Ac.3.9 was entered in P.O.B. It is also stated that the said action was challenged by one A.Yanadiah by filing W.P.No.31529 of 1998 and the writ petition was disposed of by this Court by order dated 20-12-2004 at the stage of admission with a direction to the respondent to conduct enquiry and pass orders within a period of three months. Thereafter, under the impugned proceedings dated 22-12-2004, the second respondent has ordered for allotment of two acres of land to Zilla Parishad High School for the purpose of play ground and the remaining extent for allotment of house sites to the persons affected under somasila project. The grievance of the petitioner is that before passing such order, the petitioner was not afforded any opportunity as directed by this Court. Hence, this writ petition.

At the out set, it is to be noted that the proceedings under challenge in this writ petition is only an internal correspondence between the District Collector and the Revenue Divisional Officer, Rajampet. In the said letter, the second respondent-District Collector, while mentioning that the petitioners in W.P.No.31529 of 1998 have participated in the enquiry and filed an agreement stating that they have no

objection to earmark an extent of Ac.2.00 for Zilla Parishad High School, Madhavavaram for providing play ground and remaining extent for allotment of house sites to the persons affected under the somasila project, called for remarks from the Revenue Divisional Officer on the following aspects.

i. The Mandal Revenue Officer, Vontimitta to submit alienation proposals to an extent of 2-00 acres in favour of C.E.O. Z.P. Cuddapah for provision of playground.

ii. The Revenue Divisional Officer, Rajampet to enquire into the matter and prepare the eligibility list for grant of house site pattas to the displaced families under S.S.P. in the remaining vacant site in S.No.101/A3 of Vontimitta Village. The Revenue Divisional Officer, P.O.B. for the remaining extent of land after finalizing the list of beneficiaries for eventual assignment for House sites as requested by the petitioners (displaced persons)

Thus it is clear that the District Collector, Kadapa has not passed any order as such which can be said to be adversely affecting the rights of the petitioner. It is to be noted even in the order dated 02-09-2002 in W.P.No.31529 of 1998 this Court has left it open to the petitioner therein to challenge the proceedings before the appropriate Court. It is not known whether the petitioner herein was a party to the enquiry pending before the District Collector. At any rate, in view of the specific allegations made by the petitioner, without expressing any opinion on the correctness of the allegations made by the petitioner, the writ petition is disposed of granting liberty to the petitioner to raise all the objections before the District Collector, in which event, the District Collector, Kadapa, shall consider the same before passing any final orders, if not already passed as on today, on the basis of the remarks called for from the Revenue Divisional Officer vide letter dated 22-12-2004.

The Writ Petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 24-02-2005

LSK

ASSISTANT REGISTRAR

To

1 The Principal Secretary,
Revenue , Secretarial Building, Hyderabad.
2 The District Collector, Cuddapah District.
3 The Mandal Revenue Officer, Kotta Madhavavaram,
Vonti Mitta Mandal, Cuddapah.
4 The Revenue Divisional Officer, Rajampet, Cuddappah.

5 Two C.Cs. to the Government Pleader for Revenue, High Court Buildings, Hyderabad. (O.U.T)

6 Two C.D. copies.